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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/292,552	04/15/99	MAURO	C 9628006999

020583 LMC1/0801  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-2711

EXAMINER

ROMAIN, J

ART UNIT	PAPER NUMBER
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2765

DATE MAILED: 08/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/292,552

Applicant(s)

Mauro et al

Examiner

Romain Jeanty

Group Art Unit

2765

☐ Responsive to communication(s) filed on 4/15/99☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE ~~three~~ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-70 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.☐ Claim(s) \_\_\_\_\_ is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☒ Claims 1-70 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

1. Due to the inclusion of two claims numbered 24 and two claims numbered 63, the claims have been consecutively renumbered 1-70 as per 37 CFR 1.126. Any newly submitted claims should begin with claim 71.

#### *Election/Restriction*

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-15 and 21-28, drawn to a method of trading securities on a user-to-user trading system, classified in class 705, subclass 37.
  - II. Claims 16-20, 29-33 and 48-52, drawn to a computer program for providing a computer interface which facilitates security trading by a user communicating over a network with at least one computer system, classified in class 705, subclass 37.
  - III. Claims 34-45 and 61-70 drawn to a computer program and method for providing computer interface which facilitates trading by a user communicating over a network with at least one computer system, classified in class 705, subclass 37.
  - IV. Claims 46 and 47, drawn to a computer program and method for providing computer interface which facilitates trading by a user communicating over a network with at least one computer system, classified in class 705, subclass 37.

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V. Claims 53-57, drawn to a method of presenting information about market conditions to a user at a user workstation networked to at least one server, classified in class 705, subclass 37.

VI. Claims 58-60, drawn to a method of trading securities over a network, classified in class 705, subclass 37.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an interface comprising simultaneously displayed non-overlapping computer displays which include a computer display of user's current security positions. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a software for graphically displaying bid, ask, and spread for a security in active trading in a first market. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as software for electronically shrinking a master trade display so as to change view to a summary display and display buttons in response to a command from the user. See MPEP § 806.05(d).

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Inventions i and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as automatically filling a trade ticket based on user's holding in the first securities and user-specified defaults.

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such displaying a numerical information representing detailed trading data for a security in a first market.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

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*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 308-7791.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703)308-3900.

**Romain Jeanty**

**Group Art Unit 2765**

**July 26, 2000.**



**ERIC W. STAMBER  
PRIMARY EXAMINER**